

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for

Waste Management of Orange

SWIS No. 30-AB-0363

March 21, 2017

Background Information, Analysis, and Findings

This report was developed in response to the County of Orange Health Care Agency, Environmental Health, Solid Waste Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Waste Management of Orange, SWIS No. 30-AB-0363. The facility is located in the City of Orange, owned by Hambarian Properties Inc. and operated by USA Waste of Ca, Inc., dba/Waste Management of Orange. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on March 1, 2017. A new proposed permit was received on March 7, 2017. Action must be taken on this proposed permit no later than May 6, 2017. If no action is taken by May 6, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2011)	Proposed Permit
Permitted Traffic Volume	315 Vehicles/Day	Removed
Design Capacity	1,880 tons per day (tpd)	See Transfer Processing Report

Other changes include:

1. Update the following sections of the SWFP: "Findings", "Prohibitions", documents that describe and/or restrict the operation of the facility, and "Orange County Solid Waste Local Enforcement Agency Conditions," including rewording and deletions for the purpose of updating and/or clarifying operational requirements; and
2. Update the Transfer Processing Report (TPR).

Key Issues

The proposed permit will allow for the following:

1. Removal of the permitted traffic volume. The LEA will regulate per Title 14, California Code of Regulations (14 CCR), Section 17418.3; and
2. Incorporate the updated TPR, dated February 2017, including Figures to reflect operational changes.

Background

Waste Management of Orange is a large volume transfer/processing facility located within the City of Orange in Orange County. Waste Management of Orange is an existing 1,500 tons per day Materials Recovery Facility (MRF) and Transfer Station that has been in operation since 1994. Currently, the facility is operating under a SWFP issued on August 4, 2011.

Findings

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 1, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 1, 2016. The LEA provided a copy to the Department on August 3, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 7, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 1, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated March 8, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 7, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 1, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Notice was posted by the LEA on December 20, 2016. No comments were received by the LEA or Department staff. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 7, 2017, and found that the facility was in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- February 2017 – February 2012 – No Violations were noted.

Environmental Analysis

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Orange, Community Development Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include updating the permit and the incorporation of the updated TPR. There will be no changes to the operating days or hours, permitted area, or daily tonnage.

The existing permit is supported by the following environmental document. A Negative Declaration (ND), State Clearinghouse No. 2005011037, was circulated for a 30-day comment period from January 10, 2005 to February 8, 2005. The ND was adopted by the City of Orange on April 18, 2005 and a Notice of Determination was filed with the State Clearinghouse on June 20, 2005. The environmental document sufficiently describes the continued operation of the

facility. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility.

The County of Orange Health Care Agency, Environmental Health Division (LEA) has provided a finding that the proposed modified SWFP is consistent and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the ND is adequate for the Branch Chief's approval of the proposed project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a Public Notice on December 20, 2016, in the County of Orange. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 21, 2017. No comments have been received by Department staff.